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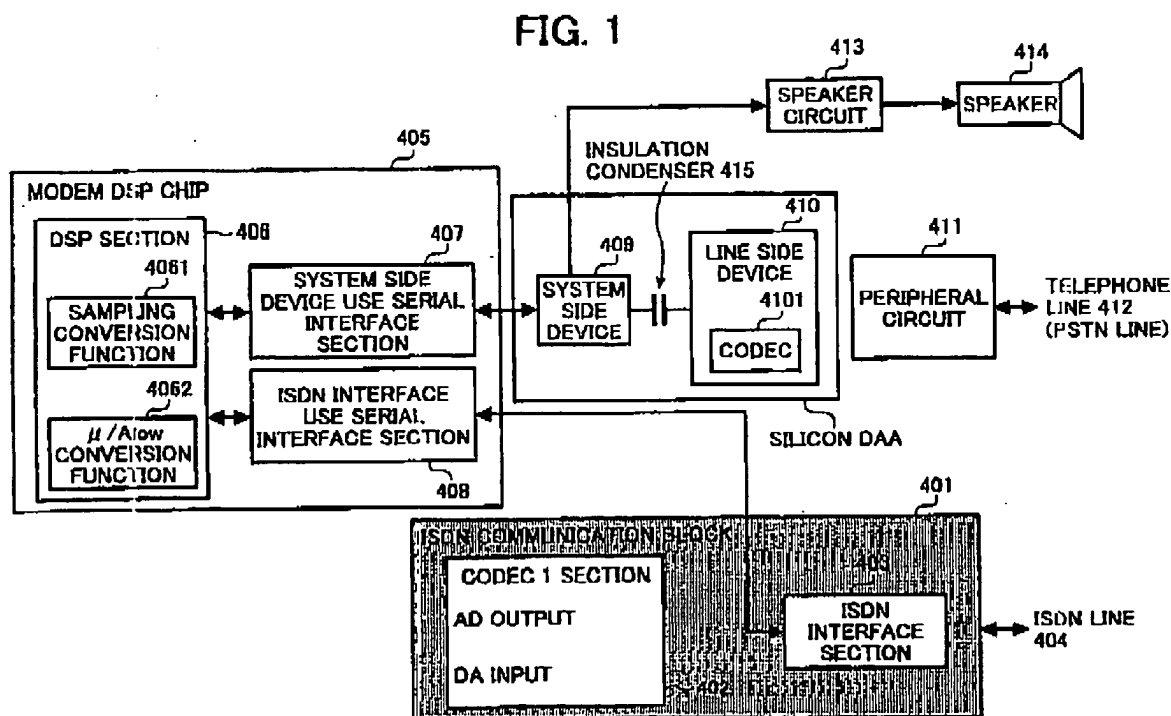
REMARKS

This application has been reviewed in light of the final Office Action dated August 28, 2008. Claims 1-19 are pending, with claims 1, 7 and 8 being in independent form.

Claims 1-19 were rejected under 35 U.S.C. §112, first paragraph, as purportedly failing to meet the written description requirement, and more specifically, that there is no support within the specification for "a monitoring device located within the silicon data access arrangement."

Applicant traverses the rejection.

Fig. 1 (reproduced below) of the present application shows a silicon data access arrangement comprising a system side device 409 and a line side device 410.



As shown in Fig. 1, and discussed in paragraph [0041], of the present application, the signal received from the ISDN line is converted by the DSP 406 into linear data and such linear

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data has nowhere to go but the silicon DAA. Indeed, paragraph [0041] of the present application states that "even during G3 communications via the ISDN, a line signal representing a communications condition can similarly be monitored by a user, ... if a μ /Alaw or μ /law signal flowing through the ISDN line at 8000 Hz is converted into PCM data to be transmitted to the speaker via the silicon DAA." Further, paragraph [0040] of the present application states "linear data generated in the modem DSP 406 as shown in FIG. 6A is preferably given, as is, to the silicon DAA ... [t]he linear data may then be transmitted to the speaker via the analog output terminal of the silicon DAA", and paragraph [0035] of the present application states that "the system side device 409 ... is designed to *monitor a communications condition* ..."

Thus, it is pointed out in the present application that the silicon data access arrangement, contrary to the contention in the Office Action, does perform a monitoring function.

Further, it is submitted that the speaker does not perform monitoring but rather merely converts a signal supplied by the silicon data access arrangement into an aural output.

Withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is requested.

Claims 1-3, 6-11, 14-16 and 19 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over the Background Art referenced in the Discussion of Related Art section of the present application in view of U.S. Patent No. 6,351,530 to Rahamim and U.S. Patent No. 5,598,401 to Blackwell. Claims 4, 5, 12, 13, 17 and 18 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over the background art in view of Blackwell and Rahamim and further in view of U.S. Patent No. 5,502,752 to Averbuch.

Applicant respectfully submits that the present application is allowable over the cited art for at least the reason that the cited art does not render obvious the aspect of the present application of a facsimile use modem apparatus comprising an analog interface formed from a

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silicon data access arrangement operative to interface with an analog telephone line, a digital interface operative to interface with an ISDN (integrated services digital network) line, and *a monitoring device located within the silicon data access arrangement and configured for monitoring a progress of a facsimile communications via the ISDN line.* Each of independent claims 1, 7 and 8 addresses such aspects, as well as additional features.

The Background Art, referenced in the Discussion of Related Art section of the present application, as acknowledged in the final Office Action, does not disclose or suggest the above-mentioned aspect of the present application.

Rahamim, as understood by applicant, proposes a data access arrangement configured to interface with a telephone line, as shown in Fig. 1 (reproduced below) of Rahamim.

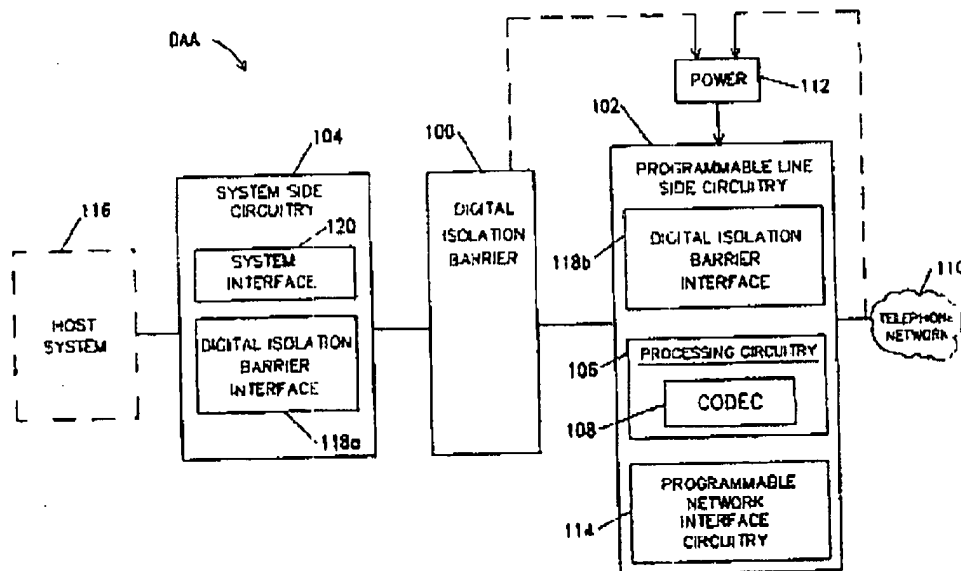


FIG.1

However, Rahamim is deficient with respect to the above-mentioned aspect of the present application, in a number of respects.

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First, Rahamim does NOT involve monitoring a progress of a facsimile communications via an ISDN line. Instead, the data access arrangement of Rahamim merely interfaces a telephone line.

Further, the data access arrangement (DAA) of Rahamim is NOT a silicon data access arrangement. Digital isolation barrier 100 provided in the DAA of Rahamim would suggest to one skilled in the art that the (DAA) of Rahamim is not amenable to be placed on a single silicon substrate. It is noted that Rahamim does not suggest that the DAA proposed therein is or could be placed on a single silicon substrate.

Accordingly, call progress monitor 134 of Rahamim is neither a monitoring device within a silicon data access arrangement nor a monitoring device configured for monitoring a progress of a facsimile communications via an ISDN line.

Accordingly, the rejections under 35 U.S.C. §103 are based on the false premise that Rahamim demonstrates that it is indeed within the skill of one of ordinary skill in the art to redesign a silicon data access arrangement. In fact, Rahamim provides NO guidance to one skilled in the art regarding designing or redesigning a silicon data access arrangement. Likewise, Rahamim does NOT enable one skilled in the art to design or redesign a silicon data access arrangement to include a monitoring device located within the silicon data access arrangement and configured for monitoring a progress of a facsimile communications via the ISDN line.

In view of such deficiencies of Rahamim, the Office Action clearly does not set forth a *prima facie* case of obviousness against the present application.

If faced with the task of having to create a modem or facsimile apparatus comprising a monitor to detect communication along an ISDN line, one of ordinary skill in the art would have simply included a monitoring device along a direct connection between the Modem DSP Chip

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and the ISDN communication block (e.g.- the connection directly linking the ISDN interface use serial interface section 408 and the ISDN interface section 403 of Fig 1 of the present application). In the face of such an option, it would not have been obvious to one of ordinary skill in the art to include said monitoring device within a silicon data access arrangement. A silicon data access arrangement is a mixed-signal integrated circuit. An attempt to incorporate a monitoring device within said silicon data access arrangement and successfully configure the modified silicon data access arrangement to be compatible with the functions of the present application would take years to accomplish.

Blackwell, as understood by applicant, proposes a data communication device (300) that can be coupled to a terminal 100 to transmit and receive data over the PSTN 126, through modem 106 through data access arrangement 314, and to transmit and receive data over the digital network 228, when coupled to the digital network 228 through a digital interface circuit 318, as shown in Fig. 4 (reproduced below) of Blackwell.

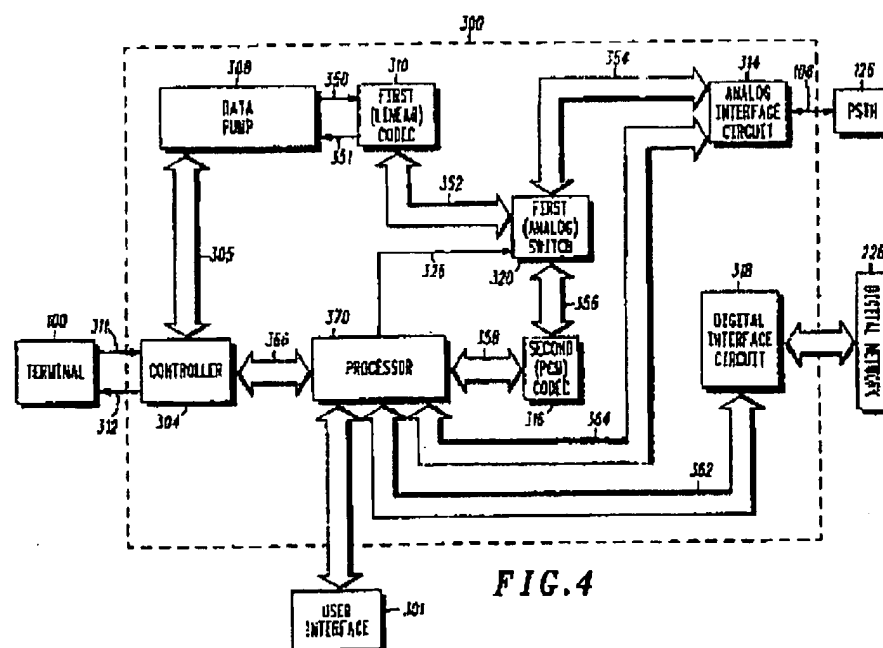


FIG. 4

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The terminal 100 of Blackwell is equated in the Office Action to a monitor device.

However, the terminal 100 of Blackwell is not within the data access arrangement 314 of Blackwell. Further, the data access arrangement 314 is not configured to monitor the digital network 228.

In addition, the terminal 100 of Blackwell does not monitor a progress of a facsimile communications via the ISDN line.

Instead, the terminal 100 merely provides the user with a user interface for configuring the data communication device 300 through selection of an operating mode to send a communication through the PSTN 126 or the digital network 228.

Contrary to the contention in the Office Action, none of the cited references disclose or suggest the above-mentioned aspect of the present application of *a monitoring device located within the silicon data access arrangement and configured for monitoring a progress of a facsimile communications via the ISDN line.*

Applicant submits that the cited art, even when considered in combination with common sense and common knowledge to one skilled in the art, simply does not render obvious the above-mentioned aspect of the present application.

Accordingly, applicant respectfully submits that independent claims 1, 7 and 8, and the claims depending therefrom, are patentable over the cited art.

In view of the remarks hereinabove, applicant submits that the application is now in condition for allowance, and earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that are required in connection with this amendment and to credit any overpayment to our

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Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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